

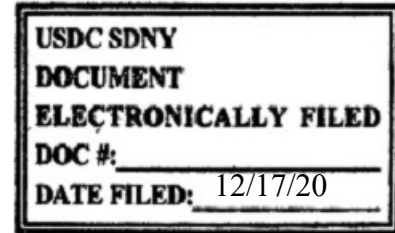
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL A. MODESTO,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,
Defendant.



20-CV-10552 (AT) (BCM)

**ORDER OF SERVICE AND
SCHEDULING ORDER**

BARBARA MOSES, United States Magistrate Judge.

The Clerk of Court shall notify the U.S. Attorney's Office for the Southern District of New York of the filing of this pro se case, brought under 42 U.S.C. § 405(g), for which the filing fee has been waived.

The above-referenced action has been referred to Magistrate Judge Moses. All pretrial motions and applications must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases and Emergency Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Pursuant to the Standing Order in No. 16-MC-00171 dated April 20, 2016 (Standing Order), defendant shall file the electronic certified transcript of the administrative proceedings (e-CAR), which shall constitute the defendant's answer, or move against the complaint, no later than 90 days after defendant is served with process in this action. **A courtesy copy marked as such must be delivered to chambers by mail, overnight courier, or hand delivery. This requirement remains in effect notwithstanding the ongoing COVID-19 pandemic.**

If defendant wishes to file a motion for judgment on the pleadings, he shall do so no later than 60 days after the date on which he files the e-CAR. The motion for judgment on the pleadings must contain a full recitation of the relevant facts and a full description of the underlying administrative proceedings. Plaintiff shall, no later than 60 days after defendant's

submission of the motion for judgment on the pleadings, file and serve his response, which must state any additional or contrary facts deemed necessary to resolve the case. Defendant shall file any reply no later than 21 days after service of plaintiff's response.

The parties are reminded that, under the Standing Order, memoranda filed in support of or in opposition to any dispositive motion shall not exceed 25 pages, and reply memoranda shall not exceed 10 pages. Memoranda exceeding 10 pages must include a table of contents and a table of authorities, neither of which shall count against the page limit. Any party seeking to exceed these page limitations must apply to Judge Moses for leave to do so, with copies to all counsel, no fewer than seven days before the date upon which the memorandum must be filed.

The Clerk of the Court is respectfully directed to mail a copy of this order to the plaintiff.

Dated: New York, New York
December 17, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge